

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

DAVID RENATO NUNEZ-PEREZ

vs.

**CASE NO.: 3:19-CV-01555 (WYG)
[RELATED CRIMINAL CASE: 3:01-CR-00519-02 (JAG)]**

**ERIK ROLAN SUAREZ,
HECTOR HERNANDEZ-MORALES, AND
COMMONWEALTH OF PUERTO RICO**

**MOTION NOTIFYING VIOLATIONS TO RELEASE
CONDITIONS**

**TO THE HONORABLE WILLIAM G. YOUNG
SENIOR UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF MASSACHUSETTS, SITTING BY DESIGNATION**

COMES NOW, Ricardo A. Carrillo-Lopez, United States Probation Officer of this Honorable Court, presenting an official report as to the conduct of Mr. David Renato Nunez-Perez. On October 18, 2002, the above-named defendant was sentenced to one-hundred and twenty (120) months of imprisonment, followed by a five (5) year term of supervised release for violating United States Code 18 §§ 2 and 2119(3); to wit: Aid and abet in motor vehicle theft, carjacking. After requesting an appeal of his instant offense case and while the same is being reviewed by the Honorable Court, Mr. Nunez-Perez was allowed to commence his supervised release term on July 18, 2023, and the same is due to expire on July 17, 2028.

Since that time, Mr. Nunez-Perez has violated the following conditions of his release:

MANDATORY CONDITION: THE DEFENDANT SHALL NOT ILLEGALLY POSSESS A CONTROLLED SUBSTANCE.

MANDATORY CONDITION: THE DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM IMPRISONMENT AND AT LEAST TWO PERIODIC DRUG TESTS THEREAFTER.

STANDARD CONDITION: THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN.

ADDITIONAL SUPERVISED RELEASE TERM: IF ANY DRUG TEST SAMPLES DETECT SUBSTANCE ABUSE, THE DEFENDANT SHALL PARTICIPATE IN A SUBSTANCE ABUSE TREATMENT PROGRAM ARRANGED AND APPROVED BY THE PROBATION OFFICER UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE US PROBATION OFFICER.

On August 14, 2023, Mr. Nunez-Perez tested positive to Cocaine and Fentanyl. Mr. Nunez-Perez admitted to said positive result and proceeded to voluntarily sign the admission drug use form. In addition, said result was also sent to Alere Toxicology

Services, Inc. Said result was confirmed positive to both stated substances. Subsequently, on August 21, 2023, Mr. Nunez-Perez tested positive once again to Cocaine and Fentanyl. He proceeded to deny said results, for which it was sent for confirmation at Alere Toxicology Services, Inc. Said result was confirmed positive to Cocaine and Fentanyl. Finally, on October 4, 2023, Mr. Nunez-Perez once again tested positive to Cocaine and Fentanyl, result which he proceeded to accept and proceeded to voluntarily sign the drug use admission form.

It is therefore evident that Mr. Nunez-Perez is struggling with the onset of substance abuse. In response to this sobering reality, the Probation Office has referred Mr. Nunez-Perez to inpatient substance abuse treatment at Hogar Santisima Trinidad and he was admitted on October 11, 2023. Once Mr. Nunez-Perez is duly discharged from said program, he will be promptly transitioned to out-patient substance abuse treatment at APS Clinics in order to ensure his continued recovery.

WHEREFORE, it is respectfully requested, unless ruled otherwise, that the Honorable Court take notice of the contents of this motion. As such, the Probation Office for the District of Puerto respectfully defers to the Honorable Court for corresponding action in this case. In addition, the Honorable Court will be duly and immediately notified of any further non-compliant conduct by Mr. David Renato Nunez-Perez.

In San Juan, Puerto Rico, this October 12, 2023.

Respectfully submitted,

LUIS O. ENCARNACION, CHIEF
U.S. PROBATION OFFICER

s/Ricardo A. Carrillo-Lopez
Ricardo A. Carrillo-Lopez
U.S. Probation Officer

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that today, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties in this case.

In San Juan, Puerto Rico, this October 12, 2023.

s/Ricardo A. Carrillo-Lopez
Ricardo A. Carrillo-Lopez
U.S. Probation Officer